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and the Proposed Class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc., et al.,

Defendants.

Case No. 3:23-cv-03417-VC

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL
AUTHORITY**

1 Plaintiffs hereby notify the Court of newly issued authority relevant to their Opposition to
2 Defendant's Motion to Dismiss (ECF No. 23). On November 1, 2023, the Ninth Circuit Court of Appeals
3 reversed a district court's dismissal of an action under the Copyright Act holding that Plaintiff plausibly
4 alleged substantial similarity between the original work and allegedly infringing work. *Hanagami v. Epic*
5 *Games, Inc.*, No. 22-55890, ___ F.4th ___, 2023 WL 7174242 (9th Cir. Nov. 1, 2023). In pertinent part, the
6 Ninth Circuit found, "it is generally disfavored for copyright claims to be dismissed for lack of substantial
7 similarity at the pleading stage." *Id.* at *10. The Ninth Circuit further held that, "[t]he question in each
8 case is whether the similarity relates to matter that constitutes a substantial portion of plaintiff's work,
9 which is an evaluation [that] must occur in the context of each case, both qualitatively and
10 quantitatively. . . . If the copied portion is deemed significant, then the defendant cannot avoid liability
11 simply because it is short." *Id.* (internal quotation marks omitted) (quoting 4 Nimmer on Copyright §
12 13.03 (2023)). A true and correct copy of the appellate panel decision is attached hereto as **Exhibit 1**.

1 Dated: November 6, 2023

By: /s/Joseph R. Saveri
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